

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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RONALD MELENDEZ,

Petitioner,

v.

**ORDER**

Civil File No. 09-462 (MJD/JSM)

DWIGHT FONDREN, Warden  
(Sandstone),

Respondent.

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Ronald Melendez, pro se.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated March 4, 2009 [Docket No. 3]. Petitioner Ronald Melendez has filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated March 4, 2009. The Court also notes that its decision is further supported by the recent Eighth Circuit decision in Gatewood v. Outlaw, 560 F.3d 843 (8th Cir. 2009). Finally, the Court notes that the relevant portion of 28 C.F.R. § 550.58 can now be found at 28 C.F.R. §550.55, but, as applied to Petitioner in this case, this revision has no effect upon the Court's decision.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation dated March 4, 2009 [Docket No. 3].
2. Petitioner's application for habeas corpus relief under 28 U.S.C. §2241 [Docket No. 1] is **DENIED**.
3. This action is **SUMMARILY DISMISSED WITH PREJUDICE**.

Dated: April 27, 2009

s/ Michael J. Davis

Michael J. Davis  
Chief Judge  
United States District Court